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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,258	02/19/2002	Jose Maria Serichol Blasco	SERICHOL BLASCO - 1	6097
7590 07/28/2004			EXAMINER	
COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576-1696			LI, ZHUO H	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,258

Applicant(s)SERICHOL BLASCO, JOSE
MARIA**Examiner**

Zhuo H. Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe (US PAT. 5,276,865) in view of Bolt et al. (US PAT. 6,038,665 hereinafter Bolt).

Regarding claim 2, Thorpe discloses a system for making automatic backup copies of files stored in a hard drive of at least one computer and storing the copies in a storage unit connected to the computer, wherein a configurable control software is installed in the hard drive, wherein the configurable control software including a backup routine and wherein the configurable control software automatically runs the backup routine for making the configurable

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backup copies of files from the computer's hard drive to the storage unit when the configurable control software detects a command for the computer to be switched off, and then the configurable control software de-energizing a relay to cut off the power to the computer, in effect turning it off (col. 2 line 50 through col. 3 line 20 and col. 7 line 13 through col. 8 line 25).

Thorpe differs from the claimed invention in not specifically teaching to automatic backup copies of selected files stored in the hard drive of at least one computer to a storage unit.

However, Bolt teaches a portable computer backup system copying user-selected files for back up in order to efficient manage the transmission of data to a storage facility (col. 3 lines 12-41 and col. 5 line 57 through col. 6 line 26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Thorpe in automatic backup copies of selected files stored in the hard drive of at least one computer to a storage unit, as per teaching of Bolt, in order to efficient manage the transmission of data to a storage facility.

Regarding claim 3, Thorpe discloses that the disconnection device is a power relay (col. 7 lines 60-62).

Regarding claim 4, Thorpe discloses that the disconnection device is built into the computer and controlled by software (col. 8 lines 10-25).

Regarding claims 5-6, Bolt teaches the backup copies being encrypted in order to increase security, wherein the control software is accessed by means of a user security code, i.e., a user selected key (col. 10 lines 47-49).

Regarding claim 7, Bolt discloses the user security code being required to restore the encrypted backup copies (col. 10 line 61 through col. 11 line 30).

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Regarding claim 8, the limitations of the claim are rejected as the same reasons set forth in claims 2-4.

Response to Arguments

4. Applicant's arguments with respect to claims 2-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robinson (US 2003/0050940A1) discloses a method of automatically backing up a computer with an external hard drive having an option of selecting either a partial backup or full backup (abstract and [0050]).

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-6606


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 703-305-3846. The examiner can normally be reached on Tuesday to Friday from 9:30 a.m. to 7:00 p.m. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Zhuo H. Li 

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MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100